

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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XIAMIN ZENG,

Plaintiff,

-against-

CITY OF NEW YORK, ET AL.,

Defendants.

**PLAINTIFF'S STATEMENT OF
UNDISPUTED FACTS
PURSUANT TO LOCAL CIVIL
RULE 56.1**

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Docket No. 19-CV-3218 (JGK)
(KHP)

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Rules of the United States District Court for the Southern District of New York, Plaintiff, XIAMIN ZENG submits the following statement of alleged undisputed facts.

1. Plaintiff, Xiamin Zeng, is a native speaker of Chinese but can speak some and read some English. Raquib Decl. Ex. 1 (Plaintiff Deposition Transcript) at 7:12-17.
2. On September 8, 2022, Plaintiff was deposed by Corporation Counsel Jeffrey Frank with the aid of a Mandarin Interpreter, Sarah Chiang. *See* Raquib Decl. Ex. 1 (Plaintiff Deposition Transcript) at 4.
3. On November 2, 2022, Defendant Danielle Febus was deposed by the undersigned and testified that on the date of the complained-of-incident, Plaintiff spoke to her fluently in English and understood everything she told her. Raquib Decl. Ex. 2 (Danielle Febus Transcript) at 47:16-25.
4. On January 31, 2018, Plaintiff was called by Detective Danielle Febus (“Febus”) and asked to come to the Queens Child Abuse Squad office (“QCAS”) to pick up her son and would not bring him home. Febus wanted to speak about her lawsuit against

Administration of Children’s Services (“ACS”). Raquib Decl. Ex. 1 (Plaintiff Deposition Transcript) at 44:3-9 and 46:17-47:7.

5. Plaintiff arrived at QCAS at approximately 12:00 p.m., was placed in a waiting room and locked in for approximately three (3) hours, and made requests and complaints to officers in English about difficulty breathing, drinking water, and using the bathroom but was ignored and told to wait for Defendant Danielle Febus. *Id.* at 48:3-24, 49:7-8, 51:8-18, 54:20-55:2, and 55:12-15.
6. Defendant Febus arrived with an ACS social worker and interpreter and conversed with Plaintiff about her lawsuit against ACS directly in English. *Id.* at 55:3-11.
7. Plaintiff overheard Defendant Febus make a statement about Plaintiff thinking she would not be detained. *Id.* at 57:6-14.
8. Plaintiff asked Defendant Febus to leave and to see her attorney multiple times but was ignored. *Id.* at 56:15-20 and 66:15-17. Plaintiff was thereafter cuffed with her head pushed against the wall, searched along with her personal belongings as well, and then dragged by the handcuffs and placed in a police vehicle. *Id.* at 57:17-23 and 58:5-21. Plaintiff stated that her head, arms, and wrists hurt because she was dragged by the handcuffs by Defendant Febus and that she told Defendant Febus but was ignored. *Id.* at 71:8-72:5.
9. Plaintiff was thereafter transported to the 75th Precinct by Defendant Febus who transferred custody of Plaintiff and her bag over to Inspector Chell. Plaintiff was then questioned again about her lawsuit against ACS. Plaintiff asked Inspector Chell why she was arrested, requested an interpreter and an attorney, requested to see a doctor, and requested to use the bathroom but was ignored. *Id.* at 74:12-75:2.

10. Plaintiff's wrists had very deep red marks with some areas bleeding and was never told why her son was taken. *Id.* at 81:15-24 and 89:16-18.

Dated: Bayside, New York
 May 4, 2023

Respectfully submitted,
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